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DEC 18 1997

December 18, 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

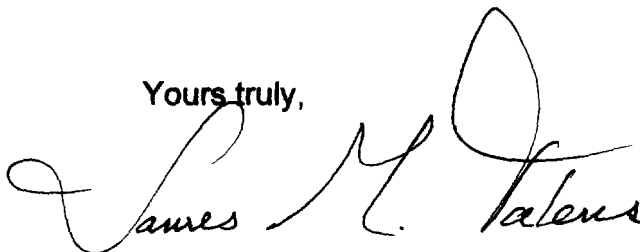
**Re: Petition for Partial Reconsideration and/or Clarification  
of the Third Report and Order in CC Docket No. 92-297**

Dear Ms. Salas:

Enclosed for filing are an original and four copies of the Petition for Partial Reconsideration and/or Clarification of Motorola Global Communications, Inc. in the above-referenced proceeding. Please date stamp and return the extra copy that is enclosed.

Please do not hesitate to contact us if you have any questions.

Yours truly,



James M. Talens

**Counsel for Motorola Global  
Communications, Inc.**

Enclosures

Noted. Copies made  
for filing.

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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DEC 18 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Rulemaking to Amend Parts 1, 2, 21,  
and 25 of the Commission's Rules to  
Redesignate the 27.5-29.5 GHz  
Frequency Band, to Reallocate the  
29.5-30.0 GHz Frequency Band, to  
Establish Rules and Policies for Local  
Multipoint Distribution Service and for  
Fixed Satellite Services

CC Docket No. 92-297

PETITION FOR PARTIAL RECONSIDERATION AND/OR  
CLARIFICATION

Pursuant to Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429,  
Motorola Global Communications, Inc. ("Motorola") hereby submits this petition for  
partial reconsideration and/or clarification of certain provisions of the Commission's  
newly adopted Ka-Band Service Rules.<sup>1/</sup> Specifically, Motorola requests that the

<sup>1/</sup> See Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, Third Report and Order, FCC 97-378 (released Oct. 15, 1997), 62 Fed. Reg. 61,448 (Nov. 18, 1997), ("Ka-Band Service Rules"). Motorola is an interested party in this proceeding because it is both a Commission licensee and an applicant in the Ka-band. See Application of Comm. Inc. to Construct, Launch, and Operate a Ka-Band Satellite System in the Fixed-Satellite Service, Order

(continued ...)

Commission revise the language of Section 25.145(c)(1)-(2) of the Rules, 47 C.F.R. § 25.145(c)(1)-(2), to include reference to the 5° elevation angle coverage criterion that is currently contained in the Big LEO MSS system coverage rules.<sup>2/</sup> By grant of this petition, the Commission will clarify its geographic coverage requirements for Ka-band FSS systems and fulfill its stated purpose of making those rules consistent with the Big LEO MSS coverage requirements.

**I. THE KA-BAND FSS GEOGRAPHIC COVERAGE REQUIREMENTS SHOULD BE THE SAME AS THOSE CONTAINED IN THE BIG LEO MSS RULES.**

In the Third Notice of Proposed Rulemaking in this proceeding, the Commission asked whether service availability standards should be adopted for NGSO FSS systems in the Ka-band.<sup>3/</sup> In the subsequent Ka-Band Service Rules, the Commission concluded that because NGSO FSS systems are capable of fostering global communications networks, the public interest would be served by application of a coverage area requirement in the Ka-band. The Commission stated that:

<sup>1/</sup> (... continued)

and Authorization ("Millennium System"), FCC 97-968 (Int'l Bureau, May 9, 1997); Application for Authority to Construct, Launch and Operate the Celestri Multimedia LEO System ("Celestri™ LEO System"), File No. 79-SAT-P/LA-97, filed June 13, 1997; Application for Authority to Construct, Launch and Operate the Celestri GEO System, File Nos. 94 through 98-SAT-P/LA-97, filed July 15, 1997. Celestri is a trademark of Motorola, Inc. Motorola Global Communications, Inc. and Comm, Inc. are wholly-owned subsidiaries of Motorola, Inc.

<sup>2/</sup> See Sections 25.143(b)(ii)-(iii), 47 C.F.R. §§ 25.143(b)(ii)-(iii) (1996).

<sup>3/</sup> See Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, Third Notice of Proposed Rulemaking, 11 FCC Rcd 53 at ¶ 125 (1995), ("Third Notice of Proposed Rulemaking").

[W]e are adopting the same coverage requirements for 28 GHz systems that we apply to "Big LEO" systems operating in the 1610-1626.5 / 2483.5-2500 MHz bands.<sup>4/</sup>

The coverage requirements applicable to Big LEO MSS system applications, adopted in the Big LEO Report and Order,<sup>5/</sup> are set forth in Sections 25.143(b)(ii)-(iii) of the Commission's Rules. They provide:<sup>6/</sup>

\* \* \*

(ii) That the proposed system be capable of providing mobile satellite services to all locations as far north as 70° latitude and as far south as 55° latitude for at least 75% of every 24-hour period, i.e., that at least one satellite will be visible above the horizon at an elevation angle of at least 5° for at least 18 hours each day within the described geographic area; [and]

(iii) That the proposed system is capable of providing mobile satellite services on a continuous basis throughout the fifty states, Puerto Rico and the U.S. Virgin Islands, U.S., i.e., that at least one satellite will be visible above the horizon at an elevation angle of at least 5° at all times within the described geographic areas;

While the Commission unequivocally stated that it would adopt these same coverage requirements with respect to FSS systems operating in the Ka-band, the new rules do not include important language from the Big LEO geographic

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<sup>4/</sup> Ka-band Service Rules at ¶ 34. (Emphasis added.)

<sup>5/</sup> See Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626 / 2483.5-2500 MHz Frequency Bands, 9 FCC Rcd 5936, at ¶ 24 (1994) ("Big LEO Report and Order").

<sup>6/</sup> 47 C.F.R. § 25.143(b)(ii)-(iii). (Emphasis added.)

coverage rules which requires that at least one satellite be visible above the horizon at an elevation angle of at least 5°:

- (1) That the proposed system be capable of providing fixed-satellite services to all locations as far north as 70 deg. latitude and as far south as 55 deg. latitude at least 75% of every 24-hour period; and
- (2) That the proposed system is capable of providing fixed-satellite services on a continuing basis throughout the fifty states, Puerto Rico and the U.S. Virgin Islands, U.S.<sup>7/</sup>

Such language would offer Ka-band NGSO FSS applicants a clear indication of what the Commission seeks as a demonstration of sufficient geographic coverage. Thus, for example, if at least one satellite of a proposed Ka-band NGSO FSS system will be visible above the horizon at an elevation angle of at least 5° at all times within the fifty states, Puerto Rico and the U.S. Virgin Islands, the system will comply with the Commission's domestic coverage requirement.

While the Commission may have envisioned that omitting the 5° elevation angle criterion would provide more flexibility to Ka-band NGSO FSS applicants, its omission actually creates greater uncertainty with regard to compliance with the service coverage requirements. Accordingly, the Commission should clarify that the measure of acceptable geographic coverage for Ka-band NGSO FSS systems under Section 25.145(c)(1)-(2) of the Rules be the same as that which is currently contained in the Big LEO MSS rules.

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<sup>7/</sup> See Sections 25.145(c)(1)-(2).

## II. CONCLUSION

Motorola requests that the Commission reconsider and/or clarify the language it recently adopted in Section 25.145(c)(1)-(2) of the Rules by including the 5° elevation angle satellite visibility criterion that appears in Section 25.143(b)(ii)-(iii). By so doing, the Commission will clarify the measure of geographic coverage required of Ka-band NGSO FSS applicants, and it will fulfill its stated intention to apply the same standard to both Big LEO MSS and Ka-band NGSO FSS systems.

Respectfully submitted,

**Motorola Global Communications, Inc.**

A handwritten signature in black ink, appearing to read "Philip L. Malet", is written over a horizontal line.

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